

IFU

A circular stamp from the International Office of Patent & Trademark (OIPE). The text "OIPE" is at the top, "JUL 19 2006" is in the center, and "PATENT & TRADEMARK OFFICE" is around the bottom. The stamp is partially obscured by the text "L'Espresso" and "e ap".

1. The application of

Examiner: Unknown

)
)
)
)
) Art Unit
) 3764
)
)
)
)
)
)
)
)
)
)
)
)

Respectfully signed,

FDR/lrc
LC0000003291V001

RICK D. NYDEGGER
BRENT P. LORIMER
THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
JOHN M. GUYNN
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE *
STERLING A. BRENNAN
R. BURNS ISRAELSEN
DAVID R. TODD
DAVID B. DELLENBACH
L. DAVID GRIFFIN
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED

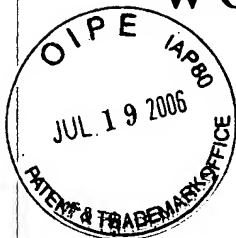


R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
L. REX SEARS, PH.D.
WILLIAM R. RICHTER
ROBERT E. AYCOCK
JENS C. JENKINS
MICHAEL B. DODD
BRETT A. HANSEN
BRETT I. JOHNSON
KEVIN W. STINGER
SARA D. JONES
TIGE KELLER
JANNA L. JENSEN
MATTHEW D. TODD
J. LAVAR OLDHAM
MICHAEL J. FRODSHAM
MATTHEW A. BARLOW
WESLEY C. ROSANDER
ANDREW S. HANSEN
CHAD E. NYDEGGER
JOSEPH G. PIA
CLINTON E. DUKE
RYAN N. FARR
JAMES B. BELSHE
KIRK R. HARRIS
MICHAEL M. BALLARD
DAVID A. JONES
SHANE K. JENSEN
JONATHAN M. BENNS, PH.D.
SCOTT A. WOODBURY
JOHN T. GADD
MARK W. FORD
COLBY C. NUTTALL
AARON M. SMITH
F. CHAD COPIER §
KULANIKEA FISHER

VERNON R. RICE §
OF COUNSEL

WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS



1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE: (801) 533-9800
FAX: (801) 328-1707
WEBSITE: HTTP://WWW.WNLAW.COM

Via Express Mail Label No. EV 912 288 969 US

PATENT APPLICATION

Docket No: 13914.579.11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Watterson, et al.)
)
Serial No.: 10/674,911)
) Art Unit
Filed: September 29, 2003) 3764
)
Confirmation No.: 8978)
)
For: SYSTEMS AND METHODS FOR CONTROLLING THE)
OPERATION OF ONE OR MORE EXERCISE DEVICES)
AND PROVIDING MOTIVATIONAL PROGRAMMING)
)
Examiner: Unknown)

TRANSMITTAL FOR SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is a Supplemental Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

____ Statement of relevance of selected cited references not in the English language which are not translated.

____ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 55 references submitted for consideration.
- ☒ Copies of the required 17 references listed on the Form PTO-1449.
- ☐ English translations as indicated on the Form PTO-1449 of the references which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
 - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - ☐ Promptness Certification; or
 - ☐ Credit Card Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
 - ☐ Promptness Certificate;
 - ☐ Petition for Consideration; and

____ Check No. in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. ____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

____ Petition to Withdraw from Issue; and

____ Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

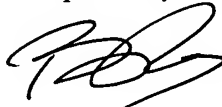
____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

____ The submission fee set forth in 37 C.F.R. § 1.17(p).

____ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 17 day of July, 2006.

Respectfully submitted,



Fraser D. Roy
Attorney for Applicants
Registration No. 45,666
Customer No. 022913
Telephone No. (801) 533-9800

Express Mail Label No. EV 912 288 969 US

PATENT APPLICATION
Docket No: 13914.579.11



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

Watterson, et al.

Serial No.: 10/674,911

Filed: September 29, 2003

Confirmation No.: 8978

For: SYSTEMS AND METHODS FOR CONTROLLING THE
OPERATION OF ONE OR MORE EXERCISE DEVICES
AND PROVIDING MOTIVATIONAL PROGRAMMING

Examiner: Unknown

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the required references or relevant portion thereof is also enclosed.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 17 day of July, 2006.

Respectfully submitted,



Fraser D. Roy
Attorney for Applicants
Registration No. 45,666
Customer No. 022913
Telephone No. (801) 533-9800

FDR/lrc
LC0000003292V001

Form PTO-1449

Applicant:

Serial No.:

Filing Date:

Confirmation No.:

For:

Watterson et al.

10/674,911

September 29, 2003

8978

SYSTEMS AND METHODS FOR CONTROLLING THE OPERATION OF ONE OR MORE EXERCISE
DEVICES AND PROVIDING MOTIVATIONAL PROGRAMMING



Sheet 1 of 5

Att'y Docket No.: 13914.579.11

Group: 3764

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____ A1.	3,802,698	4/9/74	Burian, et al.	272	57R	
_____ A2.	3,845,756	11/5/74	Olsson	600	520	
_____ A3.	4,408,613	10/11/83	Relyea	600	483	
_____ A4.	4,556,216	12/3/85	Pitkanen	482	131	
_____ A5.	4,709,917	12/1/87	Yang	482	63	
_____ A6.	4,757,495	7/12/88	Decker et al.	370	477	
_____ A7.	4,763,284	8/9/88	Carlin	702	41	
_____ A8.	4,837,157	6/6/89	Turnell et al.	436	20	
_____ A9.	4,866,704	9/12/89	Bergman	370	452	
_____ A10.	4,919,418	4/24/90	Miller	482	6	
_____ A11.	4,925,183	5/15/90	Kim	482	61	
_____ A12.	5,089,960	2/18/92	Sweeney, Jr.	463	6	
_____ A13.	5,180,347	1/19/93	Chen	482	5	
_____ A14.	5,240,417	8/31/93	Smithson et al.	434	61	

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant:

Watterson et al.

Serial No.:

10/674,911

Filing Date:

September 29, 2003

Att'y Docket No.: 13914.579.11

Confirmation No.:

8978

Group: 3764

For:

SYSTEMS AND METHODS FOR CONTROLLING THE OPERATION OF ONE OR MORE EXERCISE
DEVICES AND PROVIDING MOTIVATIONAL PROGRAMMING

_____ A15.	5,361,091	11/1/94	Hoarty et al.	725	119
_____ A16.	5,375,068	12/20/94	Palmer et al.	709	204
_____ A17.	5,462,503	10/31/95	Benjamin et al.	482	4
_____ A18.	5,466,200	11/14/95	Ulrich et al.	482	4
_____ A19.	5,546,324	8/13/96	Palmer et al.	348	14.1
_____ A20.	5,572,643	11/5/96	Judson	709	218
_____ A21.	5,590,128	12/31/96	Maloney et al.	370	260
_____ A22.	5,598,849	2/4/97	Browne	600	520
_____ A23.	5,605,336	2/25/97	Gaoiran et al.	273	445
_____ A24.	5,655,997	8/12/97	Greenberg et al.	482	5
_____ A25.	5,663,951	9/2/97	Danneels et al.	370	230
_____ A26.	5,690,582	11/25/97	Ulrich et al.	482	4
_____ A27.	5,695,400	12/9/97	Fennell Jr. et al.	463	42
_____ A28.	5,754,765	5/19/98	Danneels et al.s	709	222
_____ A29.	5,771,354	6/23/98	Crawford	709	229
_____ A30.	5,838,906	11/17/98	Doyle et al.	715	501.1
_____ A31.	5,854,833	12/29/98	Hogan et al.	379	114.14
_____ A32.	5,909,544	6/1/99	Anderson II et al.	709	208

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Watterson et al.
 Serial No.: 10/674,911
 Filing Date: September 29, 2003
 Confirmation No.: 8978
 For: SYSTEMS AND METHODS FOR CONTROLLING THE OPERATION OF ONE OR MORE EXERCISE DEVICES AND PROVIDING MOTIVATIONAL PROGRAMMING

Att'y Docket No.: 13914.579.11
 Group: 3764

_____ A33.	5,956,509	9/21/99	Kevner	719	330
_____ A34.	6,066,075	5/23/00	Poulton	482	8
_____ A35.	6,171,218	1/9/01	Shea	482	57
_____ A36.	6,458,060	10/1/02	Watterson et al.	482	54
_____ A37.	6,616,578	9/9/03	Alessandri	482	8
_____ A38.	6,645,124	11/11/03	Clem	482	4

Other Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial*

_____ A39.	Little Tony, One on One Video Trainer (for Model No. T1T123040), June 1995 (25 pages).
_____ A40.	<u>Men's Journal</u> , Squat.com. The Home Gym Goes Online, May 2000 (2 pages).
_____ A41.	MSNBC.com, Smart Fitness Section, On A Quest for Fitness – The latest workout gear and Gadgets, February 29, 2000 (6 pages).
_____ A42.	OPTIONS Manual: Video Track/Track Five/Personal Trainer Plus (Part No. 109917) cited as “OPTIONS”), September 1992 (2 pages).
_____ A43.	<u>PR Newswire</u> , Turn Your Treadmill Into a Internet Appliance with <u>www.iFIT.com</u> , October 19, 1999 (3 pages).
_____ A44.	PRO-FORM 8.0 TXP Manual (for Model No. PF080010) (cited as “8.0TXP”), November 1991 (16 pages).

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant:	Watterson et al.	
Serial No.:	10/674,911	Att'y Docket No.: 13914.579.11
Filing Date:	September 29, 2003	Group: 3764
Confirmation No.:	8978	
For:	SYSTEMS AND METHODS FOR CONTROLLING THE OPERATION OF ONE OR MORE EXERCISE DEVICES AND PROVIDING MOTIVATIONAL PROGRAMMING	

- _____ A45. The Boston Globe, Living Section, Pg. F1, Wired Workout Local Gyms, March 11, 2000 (2 pages).
- _____ A46. The Herald Journal, People in Business, ICON winds Awards, Vol. 91, No. 128, May 7, 2000 (1 page).
- _____ A47. US Weekly, Pg. 71, Work Out Online, March 27, 2000 (2 pages).
- _____ A48. Communications of the ACM, Vol. 35, No. 6, cited as "Comm of the ACM", June 1992 (10 pages).
- _____ A49. Ebsco Publishing, New home exercise equipment: your computer?, June 2000 (3 pages).
- _____ A50. Fortune Magazine, Pg. 84, Virtual Workouts – Treadmills Possessed, April 17, 2000 (2 pages).
- _____ A51. Good House Keeping, Pg. 53, A Run for the Money, February 2000 (2 pages).
- _____ A52. IEEE Publication, A Telerobotics Construction Set with Integrated Performance Analysis, 0-8186-7108-4/95 (IEEE) (cited as "Telerobotic Con."), April 1995 (7 pages).
- _____ A53. IEEE Publication, Intelligent Monitoring System for Limited System for Limited Communication Path: Telerobotic Task Execution over Internet, 0-8186-7108-4/95 (IEEE) (cited as "Intelligent"), April, 1995 (6 pages).
- _____ A54. Lifestyler 10.0 ESP Manual (for Model No. 297052) (cited as "10.0 ESP"), November 1992 (16 pages).
-

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Watterson et al.
Serial No.: 10/674,911
Filing Date: September 29, 2003
Confirmation No.: 8978
For: SYSTEMS AND METHODS FOR CONTROLLING THE OPERATION OF ONE OR MORE EXERCISE DEVICES AND PROVIDING MOTIVATIONAL PROGRAMMING

Att'y Docket No.: 13914.579.11
Group: 3764

_____ A55. 1994 Pro-Form First in Fitness, (1994 Copyright ProForm Products, Inc.), (16 pages).

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

LC0000003293V001

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.